

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE  
S/S Parkfalls Dr. 620 ft. W of  
Seven Courts Drive  
3507 Parkfalls Drive  
11th Election District  
5th Councilmanic District  
Albert Riggio, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-182-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a distance of 18 ft. between facing elevations, in lieu of the required 25 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of January, 1993 that the Petition for a Variance from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a distance of 18 ft. between facing elevations, in lieu of the required 25 ft., in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm

## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County for the property located at 3507 PARKFALLS DRIVE, BALTIMORE, MD 21236

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801.2.C.1 (1970 Regulations) to allow a distance of 18' between facing elevations in lieu of the required 25'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
One car garage addition needs to be 17' wide in order to clear existing chimney on the side of the house.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchase/Lessee  
Albert J. Riggio, Jr.  
Type of Petition  
3507 Parkfalls Drive  
Baltimore MD 21236  
City State Zipcode  
Attorney for Petitioner  
(Type or Print Name)  
Signature  
Address Phone No.  
City State Zipcode  
A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 17th day of January, 1993, that the subject matter of this petition be set for a public hearing, advertised, on required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

Why do I solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition?  
Legal Owner(s)  
Albert J. Riggio, Jr.  
Type of Petition  
Marlene C. Riggio  
Type of Petition  
Marlene C. Riggio  
Type of Petition  
410-666-7777(work)  
410-256-1857(home)  
Baltimore MD 21236  
City State Zipcode  
Name  
Albert J. Riggio, Jr.  
410-256-1857 (home)  
3507 Parkfalls Drive  
Baltimore MD 21236  
Phone No.  
410-666-7777(work)  
Baltimore MD 21236  
City State Zipcode  
Zoning Commissioner of Baltimore County

REVIEWED BY: DATE: ITEM #: 195  
ESTIMATED POSTING DATE:

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at: 3507 PARKFALLS DRIVE  
BALTIMORE MD 21236  
City State Zipcode

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address, indicate hardship or practical difficulty:  
We wish to build a 17' x 36' addition to the side of our home, which would include an enlarged kitchen, a mud room and a garage. Although this would be within utility easement lines, it puts us within 20 feet of our neighbor's house.

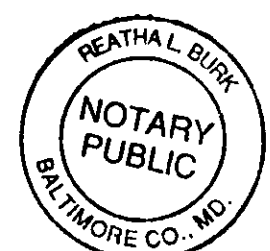
A hardship arises due to the fact that there is a brick chimney, approximately 26 inches, on this side of the house. A full 17 feet is needed for proper entry and exit of garaged vehicle.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a repasting and advertising fee and may be required to provide additional information.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 30th day of November, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
Albert J. and Marlene C. Riggio

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath to the truth of the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.  
November 30, 1992  
My Commission Expires: January 1, 1996



93-182-A

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3507 Parkfalls Dr.  
(address)

Beginning at a point on the SOUTH side of (north, south, east or west) (name of street) which is 60' (number of feet of right-of-way width) street on which property fronts) wide at the distance of 620' (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street SEVEN COURTS DR (name of street) which is 70' (number of feet of right-of-way width) wide. \*Being Lot # 10. Block C, Section 1 in the subdivision of OAKHURST - Section 1, Plat 4 (name of subdivision) as recorded in Baltimore County Plat Book # 42, Folio # 11, containing .216 (square-foot or acres) Also known as 3507 Parkfalls Dr (property address) and located in the 11 Election District, 5 Councilmanic District.

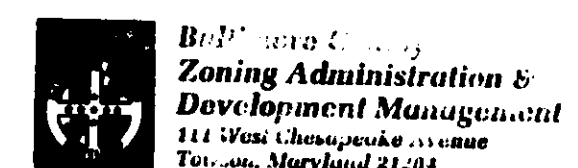
\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the lot, block and subdivision description as shown, instead state: "As recorded in Deed Liber #, Folio # and include the measurements and directions (water and bounds only) here and on the plat in the correct location.

Typical notes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 15' 00" W. 118 ft., and S. 08° 15' 22" W. 80 ft. to the place of beginning.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 11th Date of Posting: 12/18/92  
Posted for: Variance  
Petitioner: Albert J. & Marlene C. Riggio  
Location of property: 3507 Parkfalls Drive, Baltimore, MD 21236  
Location of Sign: 3507 Parkfalls Drive, Baltimore, MD 21236  
Remarks:  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: 12/18/92

93-182-A



receipt

Date: Account: R-001-6150  
Number: 195  
Please Make Checks Payable To: Baltimore County  
Counter Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
December 22, 1992  
(410) 887-3353

Mr. Albert J. Riggio, Jr.  
3507 Parkfalls Drive  
Baltimore, MD 21236

RE: Case No. 93-182-A, Item No. 195  
Petitioner: Albert J. Riggio, Jr. et ux  
Petition for Administrative Variance

Dear Mr. Riggio:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353

Your petition has been received and accepted for filing this 3rd day of December 1992.

[Signature]  
ARNOLD JARSON  
DIRECTOR

Received By:  
W. Carl Richland, Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Albert J. Riggio, Jr., et ux  
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: *David M. Ramsey* Date: *12/11/92*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓	Catherine L. Graham	191	12-14-92	NC
DED DEPRM RP STP TE	Richard C. and Nancy G. Powell	192		NC
DED DEPRM RP STP TE	Huntington Development Corporation	193		Comment
DED DEPRM RP STP TE	Nancy E. and David M. Paige	194		Comment
DED DEPRM RP STP TE	Albert J. and Marlene C. Riggio	195		NC
DED DEPRM RP STP TE	Rikir	196		NC
DED DEPRM RP STP TE	Benjamin J. and Judy B. Hassan	197		NC
DED DEPRM RP STP TE	Ronald and Shelley Seff	198		NC

COUNT 8  
Stonegate at Patapsco (Aerial Property)  
90476  
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1  
FINAL TOTALS  
COUNT 9  
\*\*\* END OF REPORT \*\*\*

SHA Maryland Department of Transportation  
State Highway Administration

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 195 (LJG)  
Albert + Marlene Riggio

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*David M. Ramsey* 12/11/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_  
Toll-free for the hearing or speech  
383-7555 Baltimore Metro - 505-5451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management  
DATE: December 15, 1992

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee  
(December 14, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Catherine L. Graham, Item No. 191 ✓  
Richard and Nancy Powell, Item No. 192 ✓  
Huntington Development Corp., Item No. 193 ✓  
Albert and Marlene Riggio, Item No. 195 ✓  
Benjamin and Judy Hassan, Item No. 197 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*

Division Chief: *Carol L. Kern*

PK:rdn

Rec'd 12/15/92  
1912357.ZAC/ZAC1

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: *David M. Ramsey* Date: *12/11/92*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓	Catherine L. Graham	191	12-14-92	NC
DED DEPRM RP STP TE	Richard C. and Nancy G. Powell	192		NC
DED DEPRM RP STP TE	Huntington Development Corporation	193		W/L
DED DEPRM RP STP TE	Nancy E. and David M. Paige	194		MT
DED DEPRM RP STP TE	Albert J. and Marlene C. Riggio	195		NC
DED DEPRM RP STP TE	Rikir	196		W/L
DED DEPRM RP STP TE	Benjamin J. and Judy B. Hassan	197		NC
DED DEPRM RP STP TE	Ronald and Shelley Seff	198		NC

COUNT 8  
Stonegate at Patapsco (Aerial Property)  
90476  
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1  
FINAL TOTALS  
COUNT 9  
\*\*\* END OF REPORT \*\*\*

Development Review Committee Response Form  
Authorized signature: *David M. Ramsey* Date: *12-2-92*

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
✓	Albert J. and Marlene C. Riggio	195	12-14-92	NO COMMENTS
DED DEPRM RP STP TE	Rikir	196		NO COMMENTS
DED DEPRM RP STP TE	Benjamin J. and Judy B. Hassan	197		In process
DED DEPRM RP STP TE	Ronald and Shelley Seff	198		In process

COUNT 8  
Preakness Silver Hill, Inc.  
DEPRM RP 180 12-7-92 In process  
Satyr Limited Partnership  
DEPRM RP STP 184 In process  
Timothy L. and Meredith L. Scott  
DEPRM RP 186 NO COMMENTS  
Frank and Joan Eck  
DEPRM RP STP 187 In process  
Federal Realty Investment Trust  
DEPRM RP STP 188 In process  
Beatriz H. and Enrique R. Clausen  
DEPRM RP 189 Written comments  
Shirley A. and Ronde J. Swab  
DEPRM RP STP 190 In process

Baltimore County Government  
Fire Department  
700 East Joppa Road Suite 901  
Towson, MD 21286-5500  
DECEMBER 15, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: ALBERT J. RIGGIO, JR. AND MARLENE C. RIGGIO  
Location: #3507 PARKFALLS DRIVE  
Item No.: \*195 (LJG) Zoning Agenda: DECEMBER 14, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. J. J.*  
Planning Group  
Special Inspection Division

JP/KEK

Rec 12/16

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
December 8, 1992 (410) 887-3353

Albert and Marlene Riggio  
3507 Parkfalls Drive  
Baltimore, Maryland 21206

Re: CASE NUMBER: 93-182-4  
LOCATION: 3507 Parkfalls Drive  
11th Election District - 5th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 20, 1992. The closing date (January 4, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.


2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Carl J. J. J.*  
Arnold Jablon  
Director

Q3-182-A



**DESCRIPTION OF PROPERTY**  
 Two story brick & aluminum dwelling, situated 50 feet from Parkfalls Drive centerline. Lot measures 66 feet wide in front and 73 feet wide in rear. 150 feet length on one side and 131 feet length on other side. House situated on property has 9 feet to property line on one side and 22 feet to property line on other side. House is approx. 25 feet between building walls on one side and 28 feet on the other. 38 feet between building walls on other side. We are looking for a CONCRETE AREAWAY to add to 38 ft. side.

**DEED REFERENCE: 2420/979**  
**LOT 10 PLAT 4 TECT ONE**  
**"OAKHURST" Δ 42/11**  
 EL DISTRICT II BALTIMORE CO., MD

**LOCATION SURVEY**  
**No. 3507 PARKFALLS DRIVE**  
**McKEE & ASSOCIATES, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 5 SHAWAN ROAD HUNT VALLEY, MD 21030  
 (301)527-1555

**10-28-92**  
**James W. McKee**  
 Lic. No. 9012

**STATE OF MARYLAND**  
**PROFESSIONAL LAND SURVEYORS**  
**SEAL**

**DATE** 10-28-92  
**JOB NO.** H-902





**BALTIMORE COUNTY  
PLANNING AND ZONING  
GRAPHIC MAP**

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

CUB HILL  
CARNEY AREA

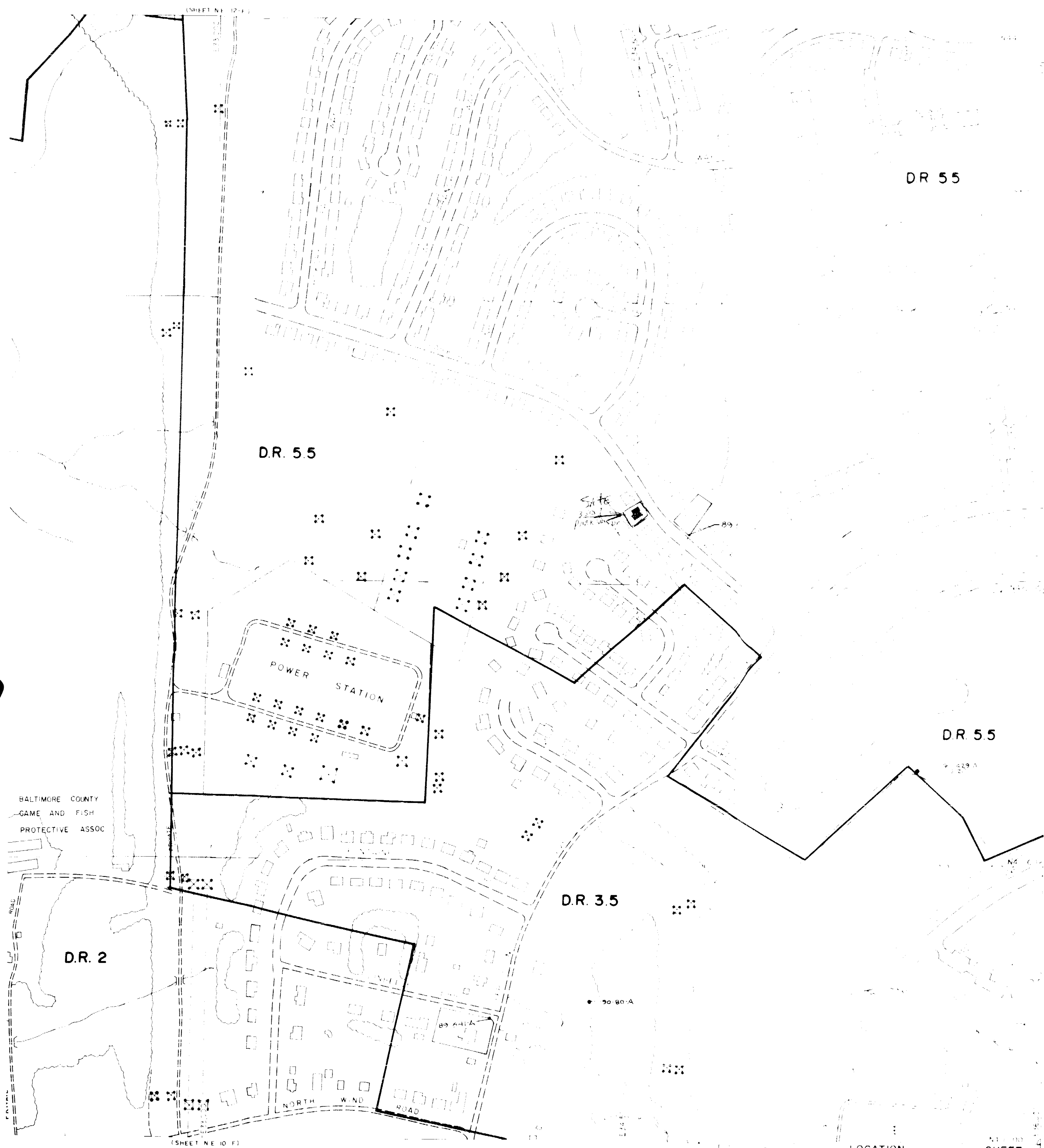
SHEET

N.E.  
11-F

HAS BEEN REVISED IN SELECTED AREAS  
BY COMPILED BY PHOTOGRAMMETRIC METHODS  
HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

93-182-A



**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP**

SCALE  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

CUB HILL  
CARNEY AREA

SHEET

N.E.  
11-F

93-182-A